

this policy when he said on September 19, 2001, "anybody who harbors a terrorist, encourages terrorism, will be held accountable. I would strongly urge any nation in the world to reject terrorism, expel terrorists." The National Security Strategy, released in 2002, further defined this policy with, "no cause justifies terror. The United States will make no concessions to terrorist demands and strike no deals with them. We make no distinction between terrorists and those who knowingly harbor or provide aid to them." Back in 1989, when the Justice Department was considering the deportation of Orlando Bosch, one of Posada's associates, Joe D. Whitley, then-Associate U.S. Attorney General said, "The United States cannot tolerate the inherent inhumanity of terrorism as a way of settling disputes. Appeasement of those who would use force will only breed more terrorists. We must look on terrorism as a universal evil, even if it is directed toward those with whom we have no political sympathy." Mr. Whitley, now General Counsel for the Department of Homeland Security has declined to comment on the Posada case.

Posada supposedly crossed the U.S. border six weeks ago, and is presently here. His Miami lawyer, Eduardo Soto, confirmed at a news conference last month that he had arrived clandestinely into the United States. Orlando Bosch said in a recent interview broadcast in Miami that he had spoken by telephone with Posada, who, "as everybody knows, is here."

Yet the U.S. government has not even acknowledged it. Roger F. Noriega, Assistant Secretary for Western Hemisphere Affairs in the State Department said he did not even know whether Posada was in the country. State Department spokesman Tom Casey said in a recent press conference, "In terms of where he presently is, I think it's fair to say we don't know."

The U.S. government has not sent teams of investigators into South Florida to find Posada—or if they have, the investigators haven't done a very good job of finding him. No bounties have been offered to recover Posada. U.S. Customs and Border Patrol is responsible for securing our border, and preventing terrorists from crossing it, yet a known international terrorist—who committed an act of terrorism on U.S. soil that killed an American citizen—crossed it, and the U.S. government hasn't done a thing. It just isn't a political priority.

I hope this hearing and the series of hearings on border security that this Committee intends to hold will shed some light not only on the two cases I described, but on the larger problem that those cases represent: major deficiencies on the part of the U.S. government to investigate Customs and Border violations, when it frankly isn't in the political interest of the United States. That is unacceptable. We cannot pick and choose when to apply our laws and our policies; they must be applied in universal situations. And when they aren't, it compromises our national security. Thank you.

INTRODUCING THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT OF 2005

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2005

Mr. MARKEY. Mr. Speaker, Memorial Day is the beginning of the season when American

families take their children to our amusement parks for a day of fun and sun. Unfortunately, it is also the case that over 75 percent of the serious injuries suffered on these rides occur between the months of May and September. Most of America thinks that the rides at these parks are subject to oversight by the Nation's top consumer safety watchdog—the Consumer Product Safety Commission (CPSC). But this is not true. The industry used to be subject to federal safety regulation, but in 1981 it succeeded in carving out a special-interest political exemption in the law—the so-called Roller Coaster Loophole.

This loophole is a dangerous gap in child safety and prevention, and it is having serious consequences. Since 1987, 64 people have died on an amusement park ride, and the vast majority of those deaths have occurred on rides that are totally unregulated at the federal level.

It is time to put the safety of our children first—it is time to close the Roller Coaster Loophole.

Today I am introducing the National Amusement Park Ride Safety Act, to restore safety oversight to a largely unregulated industry. I am joined in this effort by Representatives SCHAKOWSKY (IL), RANGEL (NY), NEAL (MA), PAYNE (NJ), MCGOVERN (MA), NORTON (DC), MALONEY (NY), KUCINICH (OR), FRANK (MA), BROWN, S. (OR) and ESHOO (CA).

SUPPORT FOR THE BILL

We are supported in this endeavor by the Nation's leading consumer-protection advocates, including Saferparks.org, the Consumer Federation of America, the U.S. Public Interest Research Group, the National SAFE KIDS Campaign, and Kids in Danger.

Excerpts from their letters of endorsement include:

"Children are uniquely vulnerable to hazards associated with amusement ride machinery. . . . It is simply indefensible for Congress to allow a special interest loophole of this magnitude in an industry that serves up high-speed thrills to 300 million paying customers every year, especially when most of the resulting injuries accrue to children."—Kathy Fackler, Saferparks.org.

"Federal oversight is crucial to the prevention of any future deaths and injuries with fixed site amusement parks due to the vast variation in state laws and the absence of any regulation in some states."—Rachel Weintraub, Consumer Federation of America and Lindsey Johnson, U.S. Public Interest Research Group.

"The CPSC must be granted jurisdiction of fixed-site amusement park rides in order for all states to benefit from federal investigation of safety hazards."—Alan Korn, National SAFE KIDS Campaign.

"Unregulated amusement rides are not what consumers expect when they visit some of the best-known tourist attractions in the U.S. Consumers expect that someone has made sure the ride is as safe as possible and that the government oversees such safety."—Nancy Cowles, Kids In Danger.

Last year, the Nation's pediatricians—the doctors who treat the injuries suffered by children on amusement park rides—endorsed our bill. According to the American Academy of Pediatrics, "a first step to prevention of these injuries is adopting stronger safety regulations that allow for better inspection and oversight of the fixed-rides."

THE PROBLEM WITH STATE-ONLY REGULATION

"Fixed" or "fixed-site" rides are found predominantly in destination theme parks. When an accident occurs on such rides, the law actually prevents the CPSC from even setting foot in the park to find out what happened. In some States, an investigation may occur, but in many, there is literally no regulatory oversight at all. And no matter how diligent a particular state might be, there is no substitute for federal oversight of an industry where; park visitors often come from out-of-state; a single manufacturer will sell versions of the same ride to park operators in many different States; no State has the jurisdiction, resources or mission to ensure that the safety lessons learned within its borders are shared systematically with every other State.

RIDES CAN KILL, NOT JUST THRILL

Although the overall risk of death on an amusement park ride is very small, it is not zero. Sixty-four have occurred on amusement park rides since 1987, and over two-thirds occur on "fixed-site" rides in our theme parks. In August 1999, 4 deaths occurred on roller coasters in just one week, "one of the most calamitous weeks in the history of America's amusement parks," according to U.S. News and World Report:

August 22—a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;

August 23—a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;

August 28—a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.

In 2003:

An 11-year-old girl died at Six Flags Great America in Gurnee, Illinois.

A 32-year-old woman was killed when she fell from the Raven roller coaster at Holiday World & Splashin' Safari theme park in Santa Claus, Indiana.

A 53-year-old woman was killed after being struck by the Joker's Jukebox ride at Six Flags New Orleans. She was checking to make sure her grandson's seat belt was properly fastened.

A 34-year-old woman died a day after suffering a heart attack during her ride on the Top Gun roller coaster at Paramount's Kings Island theme park in Cincinnati, Ohio.

An 8-year-old boy has died from injuries he suffered on a bumper car ride last month at the Lake County Fair in Ohio. The boy was severely shocked when he touched a pole on a bumper car ride called the Scooter.

In 2004:

A 51-year-old woman was killed after she fell 60 feet from an amusement ride called the Hawk at the Rockin Raceway in Pigeon Forge, Tennessee. The owner was later convicted of reckless homicide for bypassing the ride safety system.

A 55-year-old man suffered fatal injuries when he fell from the Superman Ride of Steel roller coaster at Six Flags New England theme park in Agawam, Massachusetts.

At Playland amusement park in Rye, New York, a 7-year-old girl suffered massive head injuries when she fell from the park's Mind

Scrambler ride. She was rushed to a hospital where she was pronounced dead.

A 4-year-old boy died from injuries he suffered last Thursday at Water Works, a water park in Cuyahoga Falls, Ohio. Lifeguards found the boy floating in five feet of water after he nearly drowned.

A 13-year-old boy died from internal injuries he suffered in an accident at Wacky Waters Adventure Park in Davenport, Iowa. Witnesses say that the boy fell from a rappelling rope into a pool of water.

A 39-year-old man died from a fall while boarding the Revenge of the Mummy roller coaster at Universal Studios theme park in Orlando, Florida.

Every one of these is an unspeakable horror for the families, and every one of them deserves to be investigated by a federal safety expert with the knowledge and the power to ensure that what happened at the accident site does not get repeated in other States.

It is simply inexcusable that when a loved one dies or is seriously injured on these rides, there is no system in place to ensure that the ride is investigated, the causes determined, and the flaws fixed, not just on that ride, but on every similar ride in every other state. The reason this system does not exist is the Roller Coaster Loophole.

Every other consumer product affecting interstate commerce—a bicycle or a baby carriage, for example—endures CPSC oversight. But the theme park industry acts as if its commercial success depends on remaining exempt from CPSC oversight. When a child is injured on a defective bicycle, the CPSC can prevent similar accidents by ensuring that the defect is repaired. If that same child has an accident on a faulty roller coaster, no CPSC investigation is allowed. But the industry has its loophole, and it is placing its priority on protecting its special-interest privileges, rather than its special duty to ensure the safety of its patrons.

That's just plain wrong.

ROLLER COASTERS ARE AS DANGEROUS AS TRAINS,
PLANES, AND BUSES

The industry attempts to justify their special-interest exemption by pretending that there is no risk in riding machines that carry human beings 70, 80 or 90 miles an hour. The rides are very short, and most people are not injured. But in fact, the number of fatalities per passenger mile on roller coasters is higher than on passenger trains, passenger buses, and passenger planes. The National Safety Council uses a standard method of comparing risk of injury per distance traveled. Riding on a roller coaster is generally safer than driving a car, but is not generally safer than riding a passenger bus, train or airplane:

Fatalities are just the tip of the problem, however. Broken bones, gashes, and other serious injuries have been rising much faster than attendance. Neither the CPSC is prohibited from requiring the submission of injury data directly from ride operators, so it is forced to fall back on an indirect method, the National Electronic Injury Surveillance System (NEISS), which gathers information from a statistical sample of hospital emergency rooms and then estimates national numbers. Nevertheless, NEISS has been gathering these statistics systematically over many years, so that trends become clear over time.

Beginning in 1996, a sharp upward trend can be seen in hospital emergency room visits

by passengers on unregulated "fixed" rides—the category of rides exempt from CPSC regulation under the Roller Coaster Loophole. These injuries soared 96 percent over the next 5 years. Meanwhile, such emergency room visits were falling for passengers on rides that the CPSC still regulates.

The theme park industry likes to tell the public that its rides are safer than the mobile rides because they are overseen by a permanent park staff, but according to this independent government safety agency report, the mobile parks have less of an injury problem than the theme parks.

Why has this startling increase in amusement park rides occurred recently? No one knows for sure. If the facts were known to the CPSC, it could do its job. But the facts are kept from the CPSC, so we are left to speculate. We know, for example, that new steel technology and the roller coaster building boom of the 1990s resulted in an increase in the speed almost as dramatic as the increase in serious injuries. All of the nation's 15 fastest coasters have been built in the last 10 years. In 1980, the top speed hit 60 mph. In 1990, it hit 70 mph. The top speed today is 120 mph, and Six Flags is advertising a new ride for 2005 of 128 mph. The roller coaster arms race is alive and well.

For the most part, these rides are designed, operated and ridden safely. But clearly, the margin for error is much narrower for a child on a ride traveling at 100 mph than on a ride traveling 50 mph. Children often do foolish things, and the operators themselves are often teenagers. People make mistakes. The design of these rides must anticipate that their patrons will act like children, because they often are children.

THE BILL RESTORES BASIC SAFETY OVERSIGHT TO THE
CPSC

The bill we are introducing today will close the special-interest loophole that prevents effective federal safety oversight of amusement park rides. It would, therefore, restore to the CPSC the standard safety jurisdiction over "fixed-site" amusement park rides that it used to have before the Roller Coaster Loophole was adopted. There would no longer be an artificial and unjustifiable split between unregulated "fixed-site" rides and regulated "mobile" rides. When a family traveled to a park anywhere in the United States, a mother or father would know that their children were being placed on a ride that was subject to basic safety regulation by the CPSC.

It would restore CPSC's authority to: 1. Investigate accidents, 2. Develop and enforce action plans to correct defects, and 3. Act as a national clearinghouse for accident and defect data.

The bill would also authorize appropriations of \$500 thousand annually to enable the CPSC to carry out the purposes of the Act.

I urge my colleagues to join us in this effort to make this the safest summer ever in our theme parks. Let's pass the National Amusement Park Ride Safety Act.

THE SIGNIFICANCE OF BROWN VS.
BOARD OF EDUCATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2005

Mr. RANGEL. Mr. Speaker, I rise today to commemorate the historical decision and individuals involved in the Brown vs. Board of Education decision. This Supreme Court decision was one of the most significant decisions in the history of the United States and was an important impetus in the Civil Rights Movement. Those involved moved the country forward and opened the doors for generations of Americans that would no longer believe that "separate but equal" was a justifiable policy.

In 1896, the Supreme Court held in Plessy vs. Ferguson that the equal protection clause of the Fourteenth Amendment permitted separate facilities of equal quality for blacks and whites. It established the policy of "separate but equal" as a constitutionally acceptable system in this country. For the next seventy years, many parts of this great Nation promoted segregation in education, housing, transportation, and other facilities. Blacks and whites had separate water fountains, rode in separate railroad cars, and were educated in separate schools.

For the first half of the 20th century, there were two distinct Americas—one black, one white. White schools had far greater educational resources. They receive larger portions of state budgets for education. Their books were current and up-to-date. Their teachers were paid competitive salaries. Black schools were far from equal. Black students were barely prepared for the educational and living challenges ahead of them. Black students were closed to many of the opportunities for advancement. Segregation proved that separate would be inherently unequal.

Lawyers for the National Association for the Advancement of Colored People, including Thurgood Marshall, would lead a series of court cases challenging the constitutionality of segregated educational facilities. Their argument would rest on the disparities in the educational funding and spending, the quality of the educational systems, and the psychological impacts of segregated schools.

Researchers and scholars across the Nation provided evidence of the harmful effects of segregation of young minds. Dr. Kenneth Clark demonstrated that segregated schools nurtured feelings of inferiority in black children. Others showed how the preparation, opportunities, and access of black children were severely hampered by separate educational facilities.

The Supreme Court heard these arguments and agreed with the NAACP and its panel of experts. Separate facilities were inherently unequal. States must treat all its citizens equally, regardless of race. The value of education demanded that the opportunities available to one group be available to all groups.

The ruling nonetheless would have larger import outside of education. It provided hope to African-Americans that they would no longer be treated like second class citizens. It encouraged African-American leaders, such as